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THE ANDHRA PRADESH GAZETTE
PUBLISHED BY AUTHORITY

W.No.12

AMARAVATI, FRIDAY, MARCH 26, 2021

G.664

PART II - MISCELLANEOUS NOTIFICATIONS OF INTEREST TO THE PUBLIC

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NOTIFICATIONS BY HEADS OF DEPARTMENTS Etc.,

**COMMANDANT,
APSPF, VIJAYAWADA**

Rc.No.A3/101/PR/08/CT5220/Comdt-VJA/APSPF/2020-21/D.No.627.
O.O.No.A-13/2021

Date: 24.03.2021.

DISCIPLINARY PROCEEDINGS AGAINST Sri T.KISHORE, CT-5220 OF APSPF,
VIJAYAWADA GUARDS - FINAL ORDERS.

- Ref: 1. Casual Leave Passport, Dated:08.07.2020 issued by AC, SPF, Vijayawada Guards.
2. C.No.06/AC/SPF/VSP/ML/D.No.272/2020, Dated:14.07.2020 of AC, SPF, Visakhapatnam.
3. C.No.14/AC/SPF/VJA/MLA/2020/564, Dated: 15.07.2020 of AC, SPF, Vijayawada Guards.
4. C.No.16/AC/SPF/VJA/OSL/2020/D.No.729, Dated:25.08.2020 of AC, SPF, Vijayawada Guards.
5. C.No.16/AC/SPF/VJA/RCM/CT-5220/2020/739, Dated: 29.08.2020 of AC, SPF, Vijayawada Guards.
6. C.No.16/AC/SPF/VJA/RCM/CT-5220/2020/819, Dated: 15.09.2020 of AC, SPF, Vijayawada Guards.
7. This Office Recall memo vide Rc.No.A3/108/PR/Comdt-VJA/APSPF/ Recall Memo/2020/D.No.1823, Dated:21.09.2020.
8. Registered Postal Letter (Recall memo) rejected by CT-5220, Sri.T.Kishore on 28.09.2020.
9. C.No.39/AC/SPF/PR/VJA/2018/D.No.885, Dated:30.09.2020 of AC, SPF, Vijayawada Guards.
10. Representation of CT-5220 Sri T.Kishore, Dated:14.10.2020 & 25.11.2020.

11. C.No.14/AC/SPF/VJA/2020, Dated:16.10.2020 of AC, SPF, VJA Guards.
12. This office Memorandum of Charge Rc.No.A3/101/PR/08/Comdt-VJA/APSPF/2020/D.No.2132, Dated: 11.11.2020.
13. C.No.39/AC/SPF/PR/VJA/2020/D.No.1074, Dt:16.11.2020 of AC, SPF, Vijayawada Guards.
14. Memorandum of Charge published in AP Gazette Notification on 16.11.2020
15. C.No.16/AC/SPF/VJA/2020/D.No.1114, Dated:25.11.2020 of AC, SPF, Vijayawada Guards.
16. C.No.16/AC/SPF/VJA/2020, Dated:25.11.2020 of AC, SPF, VJA Guards.
17. This office Proceedings Rc.No.A3/101/PR.No.08/CT5220/Comdt-VJA/APSPF/2020/D.No.2346, O.O.No.A-55/2020, Dated:07.12.2020.
18. C.No.26/AC/SPF/Airport/VJA/OE/CT-5220/2020/D.No.587, Dated:09.12.2020 of AC, APSPF, Airport Gannavaram, Vijayawada.
19. C.No.26/AC/SPF/Airport/VJA/OE/CT-5220/2020/D.No.663, Dated:18.12.2020 of AC, APSPF, Airport Gannavaram, Vijayawada.
20. C.No.26/AC/SPF/Airport/VJA/OE/CT-5220/2020/D.No.675, Dated:26.12.2020 of AC, APSPF, Airport Gannavaram, Vijayawada.
21. C.No.26/AC/SPF/Airport/VJA/OE/CT-5220/2021, Dt:22.01.2021 of Enquiry Officer, Sri M.K.V.N.Gupta, AC, SPF, Airport Gannavaram, VJA.
22. This Office Show Cause Notice Rc.No.A3/101/PR/08/CT5220/Comdt-VJA/APSPF/2020-21/D.No.173, Dated:23.01.2021.
23. Show Cause Notice along with Enquiry report published in AP Gazette Notification on 08.02.2021 vide Notification W.No.5, G.479.

ORDER:

In the reference 1st cited, Constable-5220, Sri T.Kishore of APSPF unit, Vijayawada Guards was passported to avail 05 days casual leave w.e.f. 08.07.2020 AN to 13.07.2020 AN by AC, SPF, Vijayawada Guards to attend his mother's medical treatment.

Vide reference 2nd and 3rd cited, the Assistant Commandants, APSPF units, Visakhapatnam and Vijayawada Guards were informed to this Office that, on 13.07.2020 at 14:00 Hrs, CT-5220, Sri T.Kishore of APSPF unit, Vijayawada Guards, who is on five days CL from 08.07.2020 AN to 13.07.2020 AN had approached the AC, SPF, Visakhapatnam and requested to issue sick passport for Medical treatment due to Lower Back Pain. Accordingly, the AC, APSPF, Visakhapatnam has issued sick passport to the said Constable and directed him to appear before the CMO, KGH, Visakhapatnam for Medical treatment. The CMO, KGH has examined him and advised to take Medical rest for a period of 42 days from 13.07.2020 AN. Accordingly, the Assistant Commandant, APSPF, Visakhapatnam has issued ML passport to the said Constable to avail 42 days ML w.e.f. 13.07.2020 AN to 24.08.2020 AN. On expiry of said ML, he failed to report back for duty and became OSL from ML from 24.08.2020 AN.

Vide reference 4th cited, the AC, SPF, Vijayawada Guards has submitted OSL from ML report in respect of the above said Constable.

Further, vide references 5th and 6th cited, the Assistant Commandant, APSPF, Vijayawada Guards has sent two recall memos to the residential address of Sri T.Kishore, CT-5220 by registered post as well as through special messenger CT-3605, Sri V.Prasad, where the second recall memo was acknowledged by his Father, Sri Tamarana Enku Naidu on 27.09.2020, as he was not present at his residence. The same was intimated to this Office by AC, SPF, Vijayawada Guards vide reference 9th cited.

Vide reference 7th cited, further this Office has also sent a recall memo to the residential address of the said Constable by Registered Post with instructions to report back for duty. But, in the reference 8th cited, the same has been received back by this Office from postal department with their remarks that, "On 28.09.2020 he refused and returned to the sender."

Vide reference 10th cited, the said Constable had sent Two representations to AC, SPF, Vijayawada Guards and informed that, due to non-recovery of ill health, he has approached the Medical Officer, KGH, Visakhapatnam and obtained Medical rest from 24.08.2020 AN to 06.10.2020 AN, 06.10.2020 AN to 17.11.2020 AN and 17.11.2020 AN to 29.12.2020 AN and requested to treat as he is on Medical leave.

Vide reference 11th and 16th cited, the AC, APSPF, Vijayawada Guards has sent 02 memos to the said Constable with instructions to report back for duty immediately, as he has adopted irregular procedure and directly approached Medical Officer and availing Medical leave from KGH without approaching nearest APSPF unit, located at Visakhapatnam. Further, the AC instructed him that, if he has really suffering from ill health and need medical leave extension, he should report at his parent unit and obtain sick passport on proper way. But the said constable has intentionally ignored the instructions of unit officer and availing ML on his own accord.

Vide reference 12th cited, a Memorandum of Charge under rule-20 of APCS (CC&A) rules, 1991 with the following article of charge against T.Kishore, CT-5220 of APSPF Vijayawada Guards was issued with instructions to submit his explanation.

ARTICLE-I

That the said Sri.T.Kishore, CT 5220 APSPF, Vijayawada unit found absent (OSL from ML) for legitimate duties from 24.08.2020 AN without any intimation to his superiors. The Assistant Commandant, APSPF, Vijayawada Guards has sent Two recall memos through a special messenger CT 3605, Sri V.Prasad to his residential address N.K.R.Puram (Post & Village), Vepada (Mandal), Vizianagaram District, Pin-523281, which was acknowledged by his father Sri.T.Venku Naidu on 27.09.2020. The Commandant, APSPF, Vijayawada also sent a recall memo to his residential address by Registered post, which was refused to receive by him and returned back the same by postal Department. He neither responded the office correspondence nor reported back for duty and intentionally became absent for legitimate duties.

The above AOC has been sent to his residential address by registered post with acknowledgment due.

Further, as intimated by AC, SPF, vide reference 13th cited, he has also deputed special messenger CT-3605, Sri V.Prasad to his residential address to serve the AOC personally. But, due to non-availability of the said Constable at his residence, the said AOC was served to his Father Sri T.Enku Naidu on 13.11.2020 under proper acknowledgment.

Vide reference 14th cited, the Memorandum of Charge was published in AP Gazette Notification on 16.11.2020 vide Notification W.No.46, G.299.

Inspite of tremendous correspondence made with him by this office as well as AC, SPF, Vijayawada Guards to report back for duty, neither he responded nor intimated his whereabouts to this Office and became OSL from ML unauthorizedly.

Vide reference 15th cited, the AC, SPF, Vijayawada Guards has submitted the detailed long absent report of the said Charged Officer and requested to take further action.

Vide reference 17th cited, an Oral Inquiry was ordered against the Charged Officer duly appointing Sri.M.K.V.N.Gupta, Assistant Commandant, APSPF, Gannavaram Airport, Vijayawada as an inquiring authority to conduct inquiry in to the charges against the Charged Officer.

Vide reference 18th to 20th cited, the inquiry officer has fixed the OE dates in Three instances on 16.12.2020, 23.12.2020 and 12.02.2021 and informed to the charged officer to attend the OE. But, the charged officer intentionally ignored the orders of OE officer and kept deaf ear and did not attend the OE.

Vide reference 21st cited, the inquiring authority has submitted the inquiry report duly "PROVING" the charges against the Charged Officer.

Vide reference 22nd cited, a Show Cause Notice along with a copy of the Inquiry report was sent to the residential address of the charged Officer through special messenger CT-5343, Sri P.Bangaru Raju of APSPF, Vijayawada Guards, which was acknowledged by his Father, Sri T.Enku Naidu on 29.01.2021.

Further vide reference 23rd cited, the said Show Cause Notice was also published in AP Gazette Notification on 08.02.2021 vide Notification W.No.5, G.479 and the same copy was sent to his residential address by registered post vide Outward No.299, Dt:11.02.2021. But, no any response from the charged officer, even the due date is over.

I have carefully gone through entire PR file and OE report of the Inquiry Officer.

The case in detail that, the charged officer was proceeded on 05 days Casual Leave w.e.f. 08.07.2020 AN to 13.07.2020 AN to attend his Mother's Medical Treatment. While on CL on 13.07.2020, he approached the Assistant Commandant, APSPF, Visakhapatnam and requested to issue sick passport with the pretext that he is suffering from Lower back pain. Accordingly, the AC, APSPF, Visakhapatnam has issued sick passport and directed him to report before the Medical Officer, KGH, Visakhapatnam for Medical treatment. The CMO, KGH, Visakhapatnam has treated him and advised to take rest for a period of 42 days w.e.f. 13.07.2020 AN to 24.08.2020 AN. After expiry of the said medical leave, he did not turned up for duty and became OSL from ML from 24.08.2020 AN.

Further, the charged officer has directly approached the Medical Officer, KGH, Visakhapatnam and obtained Medical leave in 03 spells from 24.08.2020 AN to 06.10.2020 AN (43 days) 06.10.2020 AN to 17.11.2020 AN (42 days) and 17.11.2020 AN to 29.12.2020 AN (42 days). From 29.12.2020 AN to till date, he became OSL from ML and he did not informed his whereabouts and not responding the correspondence made from AC, SPF, Vijayawada guard as well as Commandant HQrs, Vijayawada.

The AC, SPF, Vijayawada Guards and Commandant HQrs have send recall memos to the charged officer by registered post as well as through special messengers with instructions to report back for duty or obtain further sick extension if any required to him by producing authenticated documents, which were acknowledged by his father, Sri T.Enku Naidu, as he was not present at his residence.

In this regard, an inquiry was conducted against the Charged Officer. The enquiry officer has fixed the OE dates and has given 03 reasonable opportunities to the charged officer to attend the Inquiry to depose his statement and to defend himself. But, the charged officer has intentionally ignored the orders of inquiry officer and kept deaf ear and did not attend the OE.

The Inquiry Officer has conducted ex-parte inquiry and submitted his report duly "PROVED" the charges against the charged officer.

I completely do agree with the opinion and findings of the inquiry officer, who "PROVED" the charges against him.

The Charged Officer has clearly violated the conduct rules and exhibited gross misconduct, which is unbecoming of a Government servant. He has intentionally refused to receive this Office correspondence and ignored the orders of DG, SPF issued in Circular memorandum vide Rc.No.E4/SPF/126/2006, Dated:13.12.2006 and directly approached the Medical Officer, KGH, Visakhapatnam and obtained long medical leaves in 03 spells for a period of **127 days** from 24.08.2020 to 29.12.2020 instead of approaching nearest APSPF unit, Visakhapatnam.

The Charged Officer has already awarded major penalty for became long absent himself from duties for a period of 173 days from 02.03.2017 AN to 22.08.2017 AN. His previous record of service itself speaks that, he is habitual of becoming OSL/absent from legitimate duties. Therefore, there is no scope to such indisciplined and irregular candidates in the well armed disciplined force. Continuation of such disgruntled elements in the department will spoil the image of force.

Being a member in well disciplined Armed Force, the charged officer should have to maintain well discipline and decorum. But, he failed to do so and availed long Medical leave unauthorizedly by approaching directly to the Medical Officer, KGH, Visakhapatnam with the pretext of illness and further OSL from ML till date. Further, intentionally ignored the orders of Superiors and failed to attend OE to prove his innocence inspite of reasonable opportunities given him by the OE Officer. Even, he failed to submit medical treatment documents to prove genuineness.

Further continuing such arrogant persons in well disciplined armed force knowingly exhibiting gross indiscipline is clearly untenable. Showing any lenience will jeopardize the basic discipline and decorum of the prestigious armed force. Hence, the charged officer deserved to be punished drastically.

I, therefore, award the charged officer Sri T.Kishore, CT-5220 of APSPF, Vijayawada Guards with a penalty of "Removal from Service" with immediate effect under rule-9 (ix) of APCS (CC&A) rules, 1991.

Subsequently, the unauthorized period of sick leave from 24.08.2020 AN to 29.12.2020 i.e., 127 days and OSL from ML period from 30.12.2020 to till date i.e., 85 days, total 212 days are treated as "Not on duty."

It is certified that, the procedure laid down in Rule-20 of APCS (CC&A) rules, 1991 are scrupulously followed.

Acknowledge the receipt of proceedings.

Dr. K. N. RAO,
Commandant,
AP Special Protection Force,
Vijayawada.

To

Sri.T.Kishore, CT-5220 of APSPF,Vijayawada Guards.

“Through the Assistant Commandant, APSPF, Vijayawada Guards - He will serve the orders on the above individual immediately and return the dated acknowledgement copy to this office.

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